TITLE 40—PUBLIC BUILDINGS, PROPERTY, AND WORKS

CHAPTER 1—PUBLIC BUILDINGS, GROUNDS, PARKS, AND WHARVES IN DISTRICT OF COLUMBIA

§ 13a. United States Supreme Court Building

(a) Structural and mechanical care; care and maintenance of grounds; direction of operations, maintenance and repairs; contract authority

The Architect of the Capitol shall have charge of the structural and mechanical care of the United States Supreme Court Building, including the care and maintenance of the grounds, and the supplying of all mechanical furnishings and mechanical equipment for the building. The operation and maintenance of the mechanical equipment and repair of the building shall be performed under his direction and he is authorized to enter into all necessary contracts.

(b) Heating and air-conditioning refrigeration expenses; deposits in Treasury of advancements to credit of Capitol Power Plant; electrical energy purchases

In addition to the foregoing, any funds hereafter appropriated under authority of sections 13a to 13c of this title shall be available also for expenses of heating and air-conditioning refrigeration supplied by the Capitol Power Plant, advancements for which shall be made and deposited in the Treasury to the credit of appropriations hereafter provided for the Capitol Power Plant; and for the purchase of electrical energy.

(As amended Oct. 10, 1978, Pub. L. 95–431, title IV, § 401, 92 Stat. 1036.)

CODIFICATION

Existing provisions were editorially designated subsec. (a) in view of amendment by Pub. L. 95–431 which added subsec. (b) without redesignating such existing provisions as subsec. (a).

AMENDMENTS

1978—Subsec. (b). Pub. L. 95–431 added subsec. (b).

§ 13b. Structural, mechanical, and grounds employees; Supreme Court building and grounds

Employees required for the performance of the provisions of section 13a(a) of this title shall be (a) appointed by the Architect of the Capitol with the approval of the Chief Justice of the United States; (b) compensated in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5; and (c) be subject to the provisions of subchapter III of chapter 83 of title 5.

(As amended Oct. 10, 1978, Pub. L. 95–431, title IV, § 401, 92 Stat. 1036.)

AMENDMENTS

1978—Pub. L. 95–431 substituted "section 13a(a) of this title" for "the foregoing" which had been translated as "the provisions of section 13a of this title."

§ 34. Rent of buildings in District of Columbia; contracts not to be made until appropriation

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 356 of this title; title 15 section 2076; title 42 sections 242b, 285, 287b, 1532, 2473.

§ 42. Rooms and accommodation for Civil Service Commission

TRANSFER OF FUNCTIONS

All functions vested by statute in the United States Civil Service Commission were transferred to the Director of the Office of Personnel Management (except as otherwise specified) by Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3784, set out under section 1101 of Title 5, Government Organization and Employees, effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

CHAPTER 2—CAPITOL BUILDING AND GROUNDS

Sec.

206a–4. Establishment of additional Capitol Police positions; general counsel to the chief; deputy chief [New].

206a–5. Appointment of general counsel to the chief and deputy chief [New].

§ 166. Architect of Capitol; repairs of Capitol

STUDY AND REPORT ON UTILIZATION OF SPACE IN UNITED STATES CAPITOL AND HOUSE AND SENATE OFFICE BUILDINGS AND ANNEXES; DRAWINGS AND SPECIFICATIONS FOR RESTORATION AND EXTENSION OF WEST CENTRAL FRONT OF UNITED STATES CAPITOL; FUNDING, ETC.

Pub. L. 95–94, title III, § 301, Aug. 5, 1977, 91 Stat. 681, provided that: "The Architect of the Capitol is authorized and directed (1) to conduct a study of the utilization of space in the United States Capitol for the purpose of recommending and reporting to the Speaker of the House of Representatives and the President of the Senate and to the Committees on Appropriations of both Houses, and the Senate Committee on Rules and Administration, those offices which, by virtue of the functions performed therein, should be located in the Capitol and those offices which could be relocated to the House and Senate Office Buildings and Annexes; (2) to prepare drawings and specifications for restoration of the West Central Front of the United States Capitol in accordance with each of the various plans and alternatives proposed to the Committees on Appropriations during hearings on Legisla-

tive Branch Appropriations for 1978: and (3) to prepare drawings and specifications for extension of the West Central Front of the United States Capitol in accordance with the modified plan for extension of the West Central Front approved by the Commission for Extension of the United States Capitol on April 7, 1977; the drawings and specifications to be prepared in such detail as will enable the cost of such restoration proposals and extension proposal to be ascertained. The unexpended balance of appropriations heretofore appropriated under the heading, 'EXTENSION OF THE CAPITOL' shall be transferred immediately upon approval of this Act to a Commission on the West Central Front of the United States Capitol which shall be composed of the following: The Vice President of the United States, who shall be the Chairman, the Speaker of the House of Representatives, the Majority and Minority Leaders of the House of Representatives, and the Majority and Minority Leaders of the Senate. Such unexpended balances shall be available for (1) the conduct of such study and (2) the preparation of such drawings and specifications under the direction of the Commission on the West Central Front of the United States Capitol. The drawings and specifications shall be completed by March 1, 1978, and submitted for the approval of the Committees on Appropriations of the Senate and House of Representatives and the Commission on the West Central Front of the United States Capitol prior to the issuance of invitations to bid on the restoration or extension of the West Central Front of the United States Capitol."

§ 166a. Travel expenses

REPEATED

Pub. L. 95-391, title I, Sept. 30, 1978, 92 Stat. 781.
Pub. L. 95-94, title I, Aug. 5, 1977, 91 Stat. 672.

§ 175. House Office Building; control, supervision, and care

SOLAR ENERGY FOR CERTAIN HOUSE OFFICE BUILDINGS

Pub. L. 95-577, Nov. 2, 1978, 92 Stat. 2470, provided: "That (a) the Architect of the Capitol, under the direction of the House Office Building Commission, shall install solar collectors for furnishing a portion of the energy needs of the Rayburn House Office Building and of House Office Building Annex Numbered 2.

"(b) In carrying out this Act, [enacting this note], the Architect of the Capitol, under the direction of the House Office Building Commission, is authorized to (1) procure such personal and other services as may be necessary to carry out this Act, and (2) provide for such structural and other changes in the Rayburn House Office Building and House Office Building Annex Numbered 2, such changes in or additions to their appurtenant facilities, such connections to existing facilities or utilities, and such equipment and apparatus, as may be necessary to carry out this Act.

"SEC. 2. The Architect of the Capitol shall submit to the House Public Works and Transportation Committee final engineering and design drawings and final cost estimates for the project authorized under this Act, before soliciting bids to carry out the project. After the submission of such information, the Architect of the Capitol shall not solicit bids to carry out the project authorized under this Act until thirty legislative days after the date of such submission.

"SEC. 3. There is hereby authorized to be appropriated not to exceed $3,000,000 to carry out this Act."

§ 193m-1. Audit for private organizations conducting activities or performing services in or on United States Capitol Buildings or Grounds; report to Congress

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 36 section 1213.

§ 193n. Smithsonian Institution; policing of buildings and grounds

Subject to section 5375 of title 5, the Secretary of the Smithsonian Institution and the Trustees of the National Gallery of Art, or their authorized representatives, may designate employees of their respective agencies as special policemen, without additional compensation for duty in connection with the policing of the respective buildings and grounds specified in section 193v of this title.

(Oct. 24, 1951, ch. 559, § 1, 65 Stat. 634; June 30, 1969, Pub. L. 91-34, § 2(c), 83 Stat. 41.)

CODIFICATION

Reference to section 5375 of title 5 was substituted for section 5365 of title 5 on authority of Pub. L. 95-454, § 801(a)(3)(A)(ii), Oct. 13, 1978, 92 Stat. 1221, which redesignated sections 5361 through 5365 of title 5 as sections 5371 through 5375 of title 5.

§ 206a-4. Establishment of additional Capitol Police positions; general counsel to the chief; deputy chief

In addition to the number of positions on the Capitol Police, and of personnel detailed to the Capitol Police from the Metropolitan Police of the District of Columbia, existing on July 29, 1977, there are hereby authorized to be established two positions on the Capitol Police for duty under the House of Representatives. Such positions shall be as follows:

(1) one position of general counsel to the chief of the Capitol Police, at a per annum gross rate of compensation which is equal to the rate in effect from time to time for HS level 10, step 1, of the House Employees Schedule; and

(2) one position of deputy chief of the Capitol Police, at a per annum gross rate of compensation of—

(A) $33,901, if the individual appointed to such position has been an officer or member of the Capitol Police for less than five years;

(B) $34,903, if such individual has been an officer or member of the Capitol Police for at least five years but less than ten years;

(C) $35,905, if such individual has been an officer or member of the Capitol Police for at least ten years but less than fifteen years;

(D) $36,907, if such individual has been an officer or member of the Capitol Police for at least fifteen years but less than twenty years; and

(E) $37,909, if such individual has been an officer or member of the Capitol Police for at least twenty years.

(Pub. L. 95-391, title I, § 111, Sept. 30, 1978, 92 Stat. 777.)

REFERENCES IN TEXT

House Employees Schedule, referred to in par. (1), is set out as a note under section 60a-2 of Title 2, The Congress.

CODIFICATION

Section is based on section 1 of House Resolution No. 661, Ninety-fifth Congress, July 29, 1977, which was enacted into permanent law by Pub. L. 95-391.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 260a–5 of this title.

§ 206a–5. Appointment of general counsel to the chief and deputy chief

(a) Each appointment to a position authorized to be established in section 260a–4 of this title shall be made by the Capitol Police Board, subject to the prior approval of the Committee on House Administration, without regard to political affiliation and solely on the basis of fitness to perform the duties of the position.

(b) The appointment of any individual to the position authorized to be established in paragraph (2) of section 260a–4 of this title shall be made from among qualified officers and members of the Capitol Police.

(Pub. L. 95–391, title I, § 111, Sept. 30, 1978, 92 Stat. 777.)

CODIFICATION

Section is based on section 2 of House Resolution No. 661, Ninety-fifth Congress, July 29, 1977, which was enacted into permanent law by Pub. L. 95–391.

§ 210. Uniform, belts and arms; Capitol Police

The Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives shall select and regulate the pattern for a uniform for the Capitol police and watchmen, and furnish each member of the force with the necessary belts and arms, payable out of the contingent fund of the Senate and House of Representatives upon the certificate of the officers above named. Such arms so furnished shall be carried by each officer and member of the Capitol Police, while in the Capitol Buildings (as defined in section 193m(a)(1) of this title), and while within or outside of the boundaries of the United States Capitol Grounds (as defined in section 193a of this title), in such manner and at such times as the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives may, by regulations, prescribe.

(As amended Pub. L. 95–26, title I, § 112, May 4, 1977, 91 Stat. 87.)

AMENDMENTS

1977—Pub. L. 95–26 struck out "at a cost not to exceed twenty dollars per man," following "furnish each member of the force with the necessary belts and arms,".

§ 212a. Policing of Capitol Buildings and Grounds; powers of Capitol Police; arrests by District of Columbia police

EXTENSION OF UNITED STATES CAPITOL POLICE SUPERVISION

Pub. L. 95–175, Nov. 14, 1977, 91 Stat. 1362, provided: "That the supervision of the United States Capitol Police shall extend over that part or parts of the premises located at 600 Pennsylvania Avenue, Southeast, Washington, District of Columbia, leased by the Office of Technology Assessment. In carrying out such supervision, the United States Capitol Police shall have within such part or parts jurisdiction, concurrent with that of the Metropolitan Police of the District of Columbia, to provide security for the personnel and property of the Office of Technology Assessment within such leased premises, and to make arrest therein for the violation of the laws and regulations of the United States and the District of Columbia."

POLICE MOTOR VEHICLES USED BY INSTRUCTOR PERSONNEL WHILE ON ASSIGNMENT TO FEDERAL LAW ENFORCEMENT TRAINING CENTER

Pub. L. 95–26, title I, § 113, May 4, 1977, 91 Stat. 87, provided that: "The Chairman of the Capitol Police Board is authorized, subject to such conditions as he may impose, to authorize the assignment of a police motor vehicle for use by instructor personnel of the Capitol Police Force while assigned to the Federal Law Enforcement Training Center."

CHAPTER 3—PUBLIC BUILDINGS AND WORKS GENERALLY

§ 258a. Lands, easements, or rights of way for public use; taking of possession and title in advance of final judgment; authority; procedure

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 258c, 258d of this title; title 16 sections 79c, 831c; title 25 section 500a; title 33 section 598; title 39 section 410; title 42 sections 1502, 1532, 1592d, 1594a, 2222, 4651; title 43 section 1522; title 49 section 1344; title 50 section 167f.

§ 270a. Bonds of contractors of public buildings or works

(a) Type of bonds required

Before any contract, exceeding $25,000 in amount, for the construction, alteration, or repair of any public building or public work of the United States is awarded to any person, such person shall furnish to the United States the following bonds, which shall become binding upon the award of the contract to such person, who is hereinafter designated as "contractor":

[*See main edition for text of (1) and (2); (b) to (d)*]

(As amended Nov. 2, 1978, Pub. L. 95–585, 92 Stat. 2484.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95–585 substituted "$25,000" for "$2,000".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 270b, 270d, 270e, 270f of this title; title 6 section 15; title 15 section 637; title 25 sections 450j, 1654; title 39 section 410; title 42 sections 1416, 1594.

§ 276a. Rate of wages for laborers and mechanics

ACT REFERRED TO IN OTHER SECTIONS

The Davis-Bacon Act [40 U.S.C. 276a to 276a–5] is referred to in sections 276a–7, 808 of this title; title 10 section 2304; title 12 sections 1701q, 1715c, 1749a; title 15 section 3152; title 16 section 779e; title 20 sections 684, 954, 1232b; title 23 section 113; title 25 sections 450e, 458, 1633; title 29 sections 251 to 256, 258, 259, 262, 776, 827, 917; title 31 section 1243; title 33 section 1372; title 38 section 5035; title 39 section 410; title 40 App. section 402; title 41 sections 42, 258; title 42 sections 242m, 254b, 254c, 291e, 293a, 295d, 296a, 299d, 300j–9, 300o–3, 1437j, 1440, 1459, 1486, 1500c–3, 1592i, 2689j, 2930a, 2947, 2992a, 3027, 3107, 3222, 3310, 3884, 3909, 3936, 4529, 4728, 5046, 5310, 5919, 6042, 6083, 6371j, 6708, 6728, 6881, 6979, 7614; title 45 section 565; title 49 sections 1609, 1636, 1722; title 50 App. section 2281.

§ 276c. Regulations governing contractors and subcontractors

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 808 of this title; title 16 section 779c; title 20 sections 684, 954, 1232b; title 25 section 450e; title 29 sections 776, 827; title 31 section 1243; title 33 section 1372; title 39 section 410; title 40 App. section 402; title 42 sections 242m, 254b, 254c, 291e, 293a, 295d, 296a, 299d, 300j-9, 300o-3, 1440, 1459, 1486, 1500c-3, 1592l, 2689j, 2930a, 2947, 2992a, 3027, 3107, 3222, 3310, 3884, 3909, 4529, 5046, 5310, 5919, 6042, 6063, 6371j, 6708, 6728, 6881, 6979, 7614; title 49 sections 1609, 1636; title 50 App. section 2281.

CHAPTER 4—THE PUBLIC PROPERTY

§ 316. Disposition of securities

With respect to any bonds, notes, or other securities acquired on behalf of the United States under the provisions of the Transportation Act of 1920, including, without limitation of the foregoing, any securities acquired as an incident to a case under title 11, receivership, or reorganization proceeding, or by assignment, transfer, substitution, or issuance, or by purchase, default, or other acquisition (whether at a foreclosure sale or otherwise) of collateral given for the payment of obligations to the United States, the President, or any officer, agent, or agency he may designate, is authorized to sell, exchange or otherwise dispose of, any such bonds, notes, or other securities, or to enter into arrangements for the extension of the maturity therof, in such manner, in such amounts, at such prices, for cash, securities or other property, or any combination thereof, and upon such terms and conditions as the President or any officer, agent, or agency so designated may deem advisable and in the public interest.

(As amended Nov. 6, 1978, Pub. L. 95-598, title III, § 325, 92 Stat. 2679.)

REFERENCES IN TEXT

The Transportation Act of 1920, referred to in text, is act Feb. 28, 1920, ch. 91, 41 Stat. 456, as amended, which was classified to this section, section 1375a of former Title 10, Army and Air Force, sections 131 to 146 of Title 45, Railroads, and sections 1 to 5, 6, 10 to 15a, 16, 17 to 20a, 25 to 27, 71 to 74, 76 to 80, 141, and 142 of Title 49, Transportation. For complete classification of this Act to the Code, see Tables. Numerous sections of the Act that were classified to Title 49 were repealed by Pub. L. 95-473, § 4(b), Oct. 13, 1978, 92 Stat. 1467, the first section of which enacted subtitle IV (§ 10101 et seq.) of Title 49. For distribution of former sections of Title 49 into the revised Title 49, see table at the beginning of Title 49.

AMENDMENTS

1978—Pub. L. 95-598 substituted "case under title 11" for "bankruptcy".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

CHAPTER 9—NON-FEDERAL PUBLIC WORKS

SUBCHAPTER II—URBAN AND RURAL PLANNING

§ 461. Comprehensive planning

[*See main edition for text of* (a) *and* (b)]

(c) Ongoing comprehensive planning process by recipients of assistance; development, contents, and review of comprehensive plan

Each recipient of assistance under this section shall carry out an ongoing comprehensive planning process which shall make provision for citizen participation pursuant to regulations of the Secretary where major plans, policies, priorities, or objectives are being determined. The process shall involve development and subsequent modifications of a comprehensive plan which shall be reviewed at least triennially for necessary or desirable amendments. Any such plan shall include, as a minimum, each of the following elements:

[*See main edition for text of* (1) *and* (2) *and concluding par.*]

(d) Annual grants; conditions; termination date of authorization

After an initial application for assistance under this section has been approved, the Secretary may make grants on an annual basis, if—

[*See main edition for text of* (1)]

(2) the applicant submits to the Secretary at least triennially (A) an evaluation of the progress made by it during the previous three years in meeting objectives set forth in its plan, and (B) a description of any changes in the plan's goals or objectives.

The Secretary shall make no grant after three years from August 22, 1974, to any applicant (other than an applicant described in paragraph (6) or (7) of subsection (a) of this section), unless the Secretary is satisfied that the comprehensive planning being carried out by the applicant includes the elements specified in paragraphs (1) and (2) of subsection (c) of this section.

(e) Maximum amount of grant; authorization of appropriations; limitations

A grant made under this section shall not exceed two-thirds of the estimated cost of the work for which the grant is made. There are authorized to be appropriated for the purposes of this section not to exceed $130,000,000 for the fiscal year 1975, not to exceed $150,000,000 for the fiscal year 1976, not to exceed $100,000,000 for the fiscal year 1977, not to exceed $75,000,000 for the fiscal year 1978, and not to exceed $57,000,000 for the fiscal year 1979. Of the funds appropriated under this section, not to exceed an aggregate of $10,000,000 plus 5 per centum of the funds so appropriated may be used by the Secretary for studies, research, and demonstration projects, undertaken independently or by contract, for the development and improvement of techniques and methods for comprehensive planning and for the advancement of the purposes of this sec-

tion, and for grants to assist in the conduct of studies and research relating to needed revisions in State statutes which create, govern, or control local governments and local governmental operations.

[*See main edition for text of (f) to (l)*]

(m) Definitions

As used in this section—

[*See main edition for text of (1) to (4)*]

(5) The term "Indian tribal group or body" means any Indian tribe, band, group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act (Public Law 93-638) [25 U.S.C. 450 et seq.] or under the State and Local Fiscal Assistance Act of 1972 (Public Law 92-512) [31 U.S.C. 1221 et seq.].

[*See main edition for text of (n)*]

(As amended Oct. 12, 1977, Pub. L. 95-128, title I, § 112, 91 Stat. 1127; Oct. 31, 1978, Pub. L. 95-557, title III, § 304, 92 Stat. 2096.)

REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act, referred to in subsec. (m)(5), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, as amended, which is classified principally to subchapter II (§ 450 et seq.) of chapter 14 of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 450 of Title 25 and Tables.

The State and Local Fiscal Assistance Act of 1972, referred to in subsec. (m)(5), is title I of Pub. L. 95-512, Oct. 20, 1972, 86 Stat. 919, as amended, which is classified principally to chapter 24 (§ 1221 et seq.) of Title 31, Money and Finance. For complete classification of this Act to the Code, see Short Title note set out under section 1221 of Title 31 and Tables.

AMENDMENTS

1978—Subsec. (c). Pub. L. 95-557, § 304(b), substituted "triennially" for "biennially".

Subsec. (d)(2). Pub. L. 95-557, § 304(c), substituted "at least triennially" for "biennially" and "three" for "two".

Subsec. (e). Pub. L. 95-557, § 304(a), substituted "not to exceed $75,000,000 for the fiscal year 1978, and not to exceed $57,000,000 for the fiscal year 1979" for "and not to exceed $75,000,000 for the fiscal year 1978".

Subsec. (m)(5). Pub. L. 95-557, § 304(d), added subsec. (m)(5).

1977—Subsec. (e). Pub. L. 95-128 authorized appropriation of $75,000,000 for fiscal year 1978.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-128 effective Oct. 1, 1977, see section 114 of Pub. L. 95-128, set out as an Effective Date of 1977 Amendment note under section 5301 of Title 42, The Public Health and Welfare.

CHAPTER 10—MANAGEMENT AND DISPOSAL OF GOVERNMENT PROPERTY

SUBCHAPTER I—GENERAL PROVISIONS

§ 471. Congressional declaration of policy

ACT REFERRED TO IN OTHER SECTIONS

The Federal Property and Administrative Services Act of 1949 is referred to in sections 304, 311b, 472 to 476, 482, 483b to 484-1, 484b, 485, 486, 488, 489, 492, 605, 752, 754 to 756, 758, 759 of this title; title 5 section 7342; title 7 section 79; title 10 sections 2676, 7305, 9441; title 12 sections 1701z, 1701z-2, 1788; title 14 sections 92, 93, 641; title 15 sections 205f, 714b; title 16 sections 1a-2, 79c, 160b, 430a-2, 441*l*-5, 460m9, 460x-7, 460bb-2, 460ee, 460ff-1, 460hh-1, 505a, 590q-1, 793, 2106; title 22 sections 277d-36, 277e, 2358, 2581, 2876; title 25 sections 190, 293; title 30 section 4; title 31 sections 418, 489; title 33 section 578; title 41 section 254, title 42 sections 1592a, 1592d, 2201, 2473, 4638, 5919, 7871, 7878; title 43 sections 1702, 1736; title 44 section 311; title 48 sections 1407c, 1685; title 49 sections 1323, 1344; title 50 sections 167a, 1651; title 50 App. sections 2281, 2393.

§ 472. Definitions

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 sections 2573, 2667; title 42 sections 1455, 7259; title 43 section 1702; title 44 section 2901; title 50 section 167a.

§ 474. Congress, departments, agencies, corporations, and persons exempted from provisions

ABOLITION OF THE ATOMIC ENERGY COMMISSION

The Atomic Energy Commission was abolished and all functions were transferred to the Administrator of the Energy Research and Development Administration (unless otherwise specifically provided) by section 5814 of Title 42, The Public Health and Welfare. The Energy Research and Development Administration was terminated and functions vested by law in the Administrator thereof were transferred to the Secretary of Energy (unless otherwise specifically provided) by sections 7151(a) and 7293 of Title 42.

SUBCHAPTER II—PROPERTY MANAGEMENT

§ 483a. Transfer of vessels between Departments

REPEALED

Pub. L. 95-457, title VIII, § 818, Oct. 13, 1978, 92 Stat. 1247.

Pub. L. 95-111, title VIII, § 817, Sept. 21, 1977, 91 Stat. 902.

§ 484b. Transfer of surplus real property to Secretary of Housing and Urban Development for sale or lease; notice of proposed disposition; prerequisites; sale price; undertaking to insure proper use of property; reversion

(a) Notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949 [40 U.S.C. 471 et seq.], any Federal surplus real property within the meaning of such Act may, in the discretion of the Administrator of General Services, be transferred to the Secretary of Housing and Urban Development at the Secretary's request for sale or lease by the Secretary at its fair value for use in the provision of housing to be occupied predominantly by families or individuals of low and moderate income, assisted under a Federal housing assistance program administered by the Secretary or under a State or local program found by the Secretary to have the same general purpose, and for related public commercial or industrial facilities approved by the Secretary. Prior to any disposition of Federal surplus real property to an entity other than a public body, the Secretary shall notify the governing body of the locality where such property is lo-

cated of the proposed disposition and no such disposition shall be made if the local governing body, within ninety days of such notification, formally advises the Secretary that it objects to the proposed disposition, unless the Secretary determines (1) that the proposed disposition would be consistent with any approved housing assistance and community development plans developed by such body pursuant to the Housing and Community Development Act of 1974 [42 U.S.C. 5301 et seq.], or (2) in cases where such plans are not available, that there is a need for low- and moderate-income housing taking into consideration any applicable State housing plans, and that there is or will be available in the area public facilities and services adequate to serve any housing proposed in conjunction with the proposed disposition. If the United States paid valuable consideration for any such land the Secretary shall not sell it for less than its cost to the United States at the time of acquisition. In addition, if such land contains improvements constructed by the Federal Government which have potential use in the provision of housing for low- or moderate-income families or individuals, the improvements shall be separately appraised for such use and the price for which such land is sold shall include an amount which is not less than the value of such improvements as so appraised.

(b) As a condition of any disposition by the Secretary of Federal surplus real property under this section to an entity other than a public body, the Secretary shall obtain such undertakings as the Secretary may consider appropriate to assure that the property will be used, to the maximum practicable extent, in the provision of housing and related facilities to be occupied by families or individuals of low and moderate income for a period of not less than thirty years. If during such period the property is used for any purpose other than the purpose for which it was disposed of, it shall revert to the United States (or, in the case of leased property, the lease shall terminate) unless the Secretary and the Administrator, after the expiration of the first twenty years of such period, have approved the use of the property for such other purposes.

(As amended Pub. L. 95-557, title III, § 317, Oct. 31, 1978, 92 Stat. 2100.)

REFERENCES IN TEXT

The Housing and Community Development Act of 1974, referred to in subsec. (a), is Pub. L. 93-383, Aug. 22, 1974, 88 Stat. 633, as amended. Title I of the Act is classified principally to chapter 69 (§ 5301 et seq.) of Title 42, The Public Health and Welfare. For complete classification of that Act to the Code, see Short Title note set out under section 5301 of Title 42 and Tables.

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-557, § 317(a), expanded the authority of this subsection to allow the transfer of surplus real property for sale or lease by the Secretary at its fair value for use in the provision of housing to be occupied predominantly by families or individuals of low and moderate income, instead of only for use in connection with a low-rent housing project.

Subsec. (b). Pub. L. 95-557, § 317(b), revised this subsection to require that, in the case of disposition of surplus property, the Secretary obtain such understanding as he considers appropriate to assure use of such property for providing low and moderate income housing for a period of not less than 30 years, instead of the previous 40 years, and deleted the requirement for notification to Congress of any disposition and of approval of any changes in the use of any disposed property.

§ 486. Policies, regulations, and delegations

PROHIBITION AGAINST INFLATIONARY PROCUREMENT POLICIES

For provisions relating to the encouragement of noninflationary pay and price behavior by private industry and labor, and to provide for procurement by executive agencies and military departments of personal property and services at noninflationary prices and wage rates, see Ex. Ord. No. 12092, Nov. 1, 1978, 43 F.R. 51375, set out as a note under section 401 of Title 41, Public Contracts.

EX. ORD. NO. 11954. FEDERAL PROPERTY REVIEW

Ex. Ord. No. 11954, Jan. 7, 1977, 42 F.R. 2297, as amended by Ex. Ord. No. 12030, Dec. 15, 1977, 42 F.R. 63633, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including section 205(a) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(a)), and as President of the United States of America, it is hereby ordered as follows:

SEC. 1. All Executive agencies shall periodically review their real property holdings and conduct surveys of such property in accordance with standards and procedures determined by the Administrator of General Services pursuant to section 206 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 487), and this order.

SEC. 2. The Administrator of General Services shall issue standards and procedures, conduct surveys, and cause surveys to be conducted, to ensure that the real property holdings of Executive agencies shall continually be evaluated with special emphasis on the identification of properties that are not utilized, are under utilized, or are not being put to optimum use. The Administrator shall consult with appropriate Executive agencies in order to (a) identify real property that is excess or surplus to the needs of the Executive agencies, and (b) make such real property available for its most beneficial use under the various laws of the United States affecting such property.

SEC. 3. The Administrator of General Services shall report to the Director of the Office of Management and Budget with respect to any property or portion thereof which has not been reported excess to the requirements of the holding agency and which, in the judgment of the Administrator, is not utilized, is under utilized, or is not being put to optimum use, and which he recommends should be reported as excess property.

SEC. 4. The Director of the Office of Management and Budget shall review Federal real property policies and the objectives of the Executive branch of the Government; and, shall review the reports made by the Administrator of General Services pursuant to Section 3 of this Order, as well as other reports relating to resolving conflicting claims on, and alternate uses for, any property described in those reports, consistent with laws governing Federal real property. The Director shall submit such recommendations and cause reports to be submitted to the President as may be appropriate.

SEC. 5. Executive Order No. 11724 of June 25, 1973, is hereby superseded.

EX. ORD. NO. 12030. TERMINATION OF FEDERAL PROPERTY COUNCIL

Ex. Ord. No. 12030, Dec. 15, 1977, 42 F.R. 63633, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Section 205(a) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(a)), and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. (a) The Federal Property Council is terminated.

(b) Section 1 of Executive Order No. 11954 of January 7, 1977 [set out as a note above], which reconstituted the Federal Property Council, is revoked.

(c) Sections 2, 3, 4, 5, and 6 of Executive Order No. 11954 are redesignated as Sections 1, 2, 3, 4, and 5, respectively.

SEC. 2. In order to permit the Director of the Office of Management and Budget to resolve disputes concerning under-utilized real property, the provisions of Executive Order No. 11954 which were redesignated as Section 4 by Section 1(c) of this Order are amended to read as follows:

"SEC. 4. The Director of the Office of Management and Budget shall review Federal real property policies and the objectives of the Executive branch of the Government; and, shall review the reports made by the Administrator of General Services pursuant to Section 3 of this Order, as well as other reports relating to resolving conflicting claims on, and alternate uses for, any property described in those reports, consistent with laws governing Federal real property. The Director shall submit such recommendations and cause reports to be submitted to the President as may be appropriate."

JIMMY CARTER.

§ 488. Disposal of property

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 752, 781 of this title; title 30 section 323; title 42 sections 2201, 5919.

§ 490. Operation of buildings and related activities by Administrator

[See main edition for text of (a) to (i)]

(j) Charges for space and services furnished by Administrator; determination of rates; exemption from charges

The Administrator is authorized and directed to charge anyone furnished services, space, quarters, maintenance, repair, or other facilities (hereinafter referred to as space and services), at rates to be determined by the Administrator from time to time and provided for in regulations issued by him. Such rates and charges shall approximate commercial charges for comparable space and services, except that with respect to those buildings for which the Administrator of General Services is responsible for alterations only (as the term "alter" is defined in section 612(5) of this title), the rates charged the occupant for such services shall be fixed by the Administrator so as to recover only the approximate applicable cost incurred by him in providing such alterations. The Administrator may exempt anyone from the charges required by this subsection if he determines that such charges would be infeasible or impractical. To the extent any such exemption is granted, appropriations to the General Services Administration are authorized to reimburse the fund for any loss of revenue.

[See main edition for text of (k)]

CODIFICATION

Subsec. (j) is set out in this supplement to correct typographical error appearing in the main edition.

EXECUTIVE ORDER NO. 11512

Ex. Ord. No. 11512, Feb. 27, 1970, 35 F.R. 3979, set out as a note under this section, which related to the planning, acquisition, and management of federal space, was revoked by Ex. Ord. No. 12072, Aug. 16, 1978, 43 F.R. 36869, set out as a note below.

EX. ORD. NO. 12072. FEDERAL SPACE MANAGEMENT

Ex. Ord. No. 12072, Aug. 16, 1978, 43 F.R. 36869, provided:

By the authority vested in me as President of the United States of America by Section 205(a) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(a)), and in order to prescribe appropriate policies and directives, not inconsistent with that Act [see Short Title note set out under section 471 of this title] and other applicable provisions of law, for the planning, acquisition, utilization, and management of Federal space facilities, it is hereby ordered as follows:

1-1 SPACE ACQUISITION

1-101. Federal facilities and Federal use of space in urban areas shall serve to strengthen the Nation's cities and to make them attractive places to live and work. Such Federal space shall conserve existing urban resources and encourage the development and redevelopment of cities.

1-102. Procedures for meeting space needs in urban areas shall give serious consideration to the impact a site selection will have on improving the social, economic, environmental, and cultural conditions of the communities in the urban area.

1-103. Except where such selection is otherwise prohibited, the process for meeting Federal space needs in urban areas shall give first consideration to a centralized community business area and adjacent areas of similar character, including other specific areas which may be recommended by local officials.

1-104. The process of meeting Federal space needs in urban areas shall be consistent with the policies of this Order and shall include consideration of the following criteria:

(a) Compatability of the site with State, regional, or local development, redevelopment, or conservation objectives.

(b) Conformity with the activities and programs of other Federal agencies.

(c) Impact on economic development and employment opportunities in the urban area, including the utilization of human, natural, cultural, and community resources.

(d) Availability of adequate low and moderate income housing for Federal employees and their families on a nondiscriminatory basis.

(e) Availability of adequate public transportation and parking and accessibility to the public.

1-105. Procedures for meeting space needs in urban areas shall be consistent with the policies of this Order and shall include consideration of the following alternatives:

(a) Availability of existing Federally controlled facilities.

(b) Utilization of buildings of historic, architectural, or cultural significance within the meaning of section 105 of the Public Buildings Cooperative Use Act of 1976 (90 Stat. 2507, 40 U.S.C. 612a).

(c) Acquisition or utilization of existing privately owned facilities.

(d) Construction of new facilities.

(e) Opportunities for locating cultural, educational, recreational, or commercial activities within the proposed facility.

1-106. Site selection and space assignments shall take into account the management needs for consolidation of agencies or activities in common or adjacent space in order to improve administration and management and effect economies.

1-2. Administrator of General Services

1-201. The Administrator of General Services shall develop programs to implement the policies of this Order through the efficient acquisition and utilization of Federally owned and leased space. In particular, the Administrator shall:

(a) Select, acquire, and manage Federal space in a manner which will foster the policies and programs of the Federal government and improve the management and administration of government activities.

(b) Issue regulations, standards, and criteria for the selection, acquisition, and management of Federally owned and leased space.

(c) Periodically undertake surveys of space requirements and space utilization in the executive agencies.

(d) Ensure, in cooperation with the heads of Executive agencies, that their essential space requirements are met in a manner that is economically feasible and prudent.

(e) Make maximum use of existing Federally controlled facilities which, in his judgment, are adequate or economically adaptable to meeting the space needs of executive agencies.

(f) Annually submit long-range plans and programs for the acquisition, modernization, and use of space for approval by the President.

1-202. The Administrator is authorized to request from any Executive agency such information and assistance deemed necessary to carry out his functions under this Order. Each agency shall, to the extent not prohibited by law, furnish such information and assistance to the Administrator.

1-203. In the process of meeting Federal space needs in urban areas and implementing the policies of this Order, the Administrator shall:

(a) Consider the efficient performance of the missions and programs of the agencies, the nature and function of the facilities involved, the convenience of the public served, and the maintenance and improvement of safe and healthful working conditions for employees.

(b) Coordinate proposed programs and plans for facilities and space with the Director of the Office of Management and Budget.

(c) Consult with appropriate Federal, State, regional, and local government officials and consider their recommendations for and objections to a proposed selection site or space acquisition.

(d) Coordinate proposed programs and plans for facilities and space in a manner designed to implement the purposes of this Order.

(e) Prior to making a final determination concerning the location of Federal facilities, notify the concerned Executive agency of an intended course of action and take into account any additional information provided.

1-204. In ascertaining the social, economic, environmental and other impacts which site selection would have on a community, the Administrator shall, when appropriate, obtain the advice of interested agencies.

1-3. General Provisions

1-301. The heads of Executive agencies shall cooperate with the Administrator in implementing the policies of this Order and shall economize on their use of space. They shall ensure that the Administrator is given early notice of new or changing missions or organizational realignments which affect space requirements.

1-302. Executive agencies which acquire or utilize Federally owned or leased space under authority other than the Federal Property and Administrative Services Act of 1949, as amended [see Short Title note set out under section 471 of this title], shall conform to the provisions of this Order to the extent they have the authority to do so.

1-303. Executive Order No. 11512 of February 27, 1970 [set out as a note under this section in the 1976 edition of the Code], is revoked.

Jimmy Carter.

Section Referred to in Other Sections

This section is referred to in sections 490a, 752 of this title; title 2 section 122c; title 7 section 87e-1.

§ 491. Motor vehicle pools and transportation systems

[See main edition for text of (a) to (c)]

(d) Payment of costs; fixing of prices

(1) The General Supply Fund provided for in section 756 of this title shall be available for use by or under the direction and control of the Administrator for paying all elements of cost (including the purchase or rental price of motor vehicles and other related equipment and supplies) incident to the establishment, maintenance, and operation (including servicing and storage) of motor vehicle pools or systems for the transportation of property or passengers, and to the furnishing of such motor vehicles and equipment and related services pursuant to subsection (b) of this section.

(2) Payments by requisitioning agencies so served shall be at prices fixed by the Administrator at levels which will recover, so far as practicable, all such elements of cost, and may, in the Administrator's discretion, include increments for the estimated replacement cost of such motor vehicles, equipment, and supplies. Such increments may, notwithstanding section 756(e) of this title, be retained as part of the capital of the General Supply Fund, but shall be available only for replacement of such motor vehicles, equipment, and supplies. The purchase price, plus such increments for the estimated replacement cost, of such motor vehicles and equipment shall be recovered only through charges for the cost of amortization. Such costs shall be determined in accordance with the accrual accounting method; and financial reports shall be prepared on the basis of such accounting.

[See main edition for text of (e) to (l)]

(As amended Oct. 24, 1978, Pub. L. 95-506, 92 Stat. 1756.)

Amendments

1978—Subsec. (d). Pub. L. 95-506 inserted provision permitting the Administrator to include in price increments for the estimated replacement costs of motor vehicles, equipment, and supplies.

Transfer of Functions

All functions vested by statute in the United States Civil Service Commission were transferred to the Director of the Office of Personnel Management (except as otherwise specified) by Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3784, set out under section 1101 of Title 5, Government Organization and Employees, effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

CHAPTER 15—GOVERNMENT LOSSES IN SHIPMENT

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 31 section 757c; title 39 section 310.

CHAPTER 16—GENERAL SERVICES ADMINISTRATION

Sec.
760. Federal information centers [New].
(a) Establishment.
(b) Rules and regulations.
(c) Authorization of appropriations.

§ 758. Personnel

TRANSFER OF FUNCTIONS

All functions, powers, and duties of the Office of Audits and the Office of Investigations in the General Services Administration were transferred to the Office of Inspector General in the General Services Administration by section 9(a)(1)(I) of the Inspector General Act of 1978, Pub. L. 95-452, set out in the Appendix to Title 5, Government Organization and Employees, section 2 of which established such Office of Inspector General.

§ 760. Federal information centers

(a) Establishment

The Administrator is authorized to establish within the General Services Administration a nationwide network of Federal information centers for the purpose of providing the public with information about the programs and procedures of the Federal Government and for other appropriate and related purposes.

(b) Rules and regulations

The Administrator is authorized to prescribe such rules and regulations as may be necessary to the functioning of the Federal information centers.

(c) Authorization of appropriations

There is hereby authorized to be appropriated $7,000,000 for the fiscal year ending September 30, 1980, and such sums as may be necessary for each succeeding fiscal year for carrying out the purposes of this section.

(June 30, 1949, ch. 288, title I, § 112, as added Oct. 20, 1978, Pub. L. 95-491, § 2(a), 92 Stat. 1641.)

SHORT TITLE OF 1978 AMENDMENT

Pub. L. 95-491, § 1, Oct. 20, 1978, 92 Stat. 1641, provided: "That this Act [which insofar as classified to the Code enacted this section] may be cited as the 'Federal Information Centers Act'."

CHAPTER 18—NATIONAL VISITOR CENTER FACILITIES; CAPITOL GUIDE SERVICE

SUBCHAPTER IV—CAPITOL GUIDE SERVICE

§ 851. Capitol Guide Service

[See main edition for text of (a) and (b)]

(c) Duties of Capitol Guide Board; positions of Guide in Capitol Guide Service; establishment and revision; Chief, Deputy Chief, and Assistant Chief Guide and Guides: appointment, duties, pay, and termination of employment

The Capitol Guide Board is authorized—

[See main edition for text of (1)]

(2) to appoint, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform their duties, a Chief Guide, a Deputy Chief Guide, and an Assistant Chief Guide, and, in addition, such number of Guides as may be authorized under subparagraph (1) of this subsection;

[See main edition for text of (3) to (5); (d) to (j)]

(As amended Pub. L. 95-94, title I, Aug. 5, 1977, 91 Stat. 671.)

AMENDMENTS

1977—Subsec. (c)(2). Pub. L. 95-94 added reference to Deputy Chief Guide.

EFFECTIVE DATE OF 1977 AMENDMENT

Pub. L. 95-94 provided in part that the amendment to this section is effective Oct. 1, 1977.

CHAPTER 19—CAPITOL AND WHITE HOUSE-PENNSYLVANIA AVENUE DEVELOPMENT

§ 872. Pennsylvania Avenue Development Corporation

[See main edition for text of (a) to (f)]

(g) Nonvoting membership on board

The Chairman, upon his appointment, shall invite to serve on the Board of Directors as nonvoting members the following:

[See main edition for text of (1) to (7)]

(8) The Director of the District of Columbia Department of Housing and Community Development.

[See main edition for text of (h) to (j)]

(As amended Pub. L. 95-629, title I, § 101(1)(a)-(c), Nov. 10, 1978, 92 Stat. 3635.)

AMENDMENTS

1978—Subsec. (c)(6). Pub. L. 95-629, § 101(1)(a), substituted "The Mayor of the District of Columbia" for "The Commissioner of the District of Columbia" which substitution had been editorially made in the 1976 edition of the Code thereby necessitating no change in text.

Subsec. (c)(7). Pub. L. 95-629, § 101(1)(b), substituted "The Chairman, Council of the District of Columbia" for "The Chairman, District of Columbia Council" which substitution had been editorially made in the 1976 edition of the Code thereby necessitating no change in text.

Subsec. (g)(8). Pub. L. 95-629, § 101(1)(c), substituted "The Director of the District of Columbia Department of Housing and Community Development" for "The Chairman of the District of Columbia Redevelopment Land Agency".

§ 873. Board of Directors

(a) Executive Director and other officers and employees

The Board of Directors shall have the power to appoint and fix the compensation and duties of the Executive Director and such other officers and employees of the Corporation as may be necessary for the efficient administration of the Corporation; the Executive Director and two other officers of the Corporation may be

appointed and compensated without regard to the provisions of title 5 governing appointments in the competitive service and chapter 51 and subchapter III of chapter 53 of title 5.

[*See main edition for text of* (b) *and* (c)]

(As amended Pub. L. 95-629, title I, § 101(1)(d), Nov. 10, 1978, 92 Stat. 3635.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-629 substituted "subchapter III of chapter 53" for "subchapter 53".

§ 874. Development plan

[*See main edition for text of* (a) *to* (e)]

(f) Utilization of other governmental services and facilities

To avoid duplication and unnecessary expense the Corporation shall, to the maximum feasible extent in conducting its operations, utilize the services and facilities of other agencies, including the Department of the Interior, General Services Administration, the National Capital Planning Commission, and the District of Columbia government.

(As amended Pub. L. 95-629, title I, § 101(1)(a), (e), Nov. 10, 1978, 92 Stat. 3635.)

AMENDMENTS

1978—Subsecs. (c), (d). Pub. L. 95-629, § 101(1)(a), substituted "Mayor of the District of Columbia" for "Commissioner of the District of Columbia" wherever appearing which substitution had been editorially made in the 1976 edition of the Code thereby necessitating no change in text.

Subsec. (f). Pub. L. 95-629, § 101(1)(e), struck out reference to the District of Columbia Redevelopment Land Agency following reference to the District of Columbia government.

§ 875. Powers of Corporation

In carrying out its powers and duties, the Corporation—

[*See main edition for text of* (1) *to* (9)]

(10) may borrow money from the Treasury of the United States in such amounts as may be authorized in appropriation Acts, but not to exceed $100,000,000. Such borrowings from the Treasury shall have such maturities, terms, and conditions as may be agreed upon by the Corporation and the Secretary of the Treasury, but the maturities may not be in excess of forty years, and such borrowings may be redeemable at the option of the Corporation before maturity. Such borrowings shall bear interest at a rate determined by the Secretary of the Treasury taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the obligations of the Corporation. The interest payments on such obligations may be deferred with the approval of the Secretary of the Treasury but any interest payment so deferred shall bear interest. Said obligations shall be issued in amounts and at prices approved by the Secretary of the Treasury. The authority of the Corporation to issue obligations hereunder shall remain available without fiscal year limitation. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Corporation to be issued under this paragraph and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction of the United States the proceeds from the sale of any securities issued under the Second Liberty Loan Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Loan Bond Act, as amended, are extended to include any purchase of the Corporation's obligations under this paragraph;

[*See main edition for text of* (11) *to* (18)]

(19) shall request the Council of the District of Columbia, when required for implementation of the development plan, to close any street, road, highway, alley, or any part thereon in the development area. If the title to the street, road, highway, or alley so closed is in the United States, the Mayor of the District of Columbia shall convey the title to the land on behalf of the United States to the Corporation, without cost, except that the Corporation shall reimburse the District of Columbia for the administrative expenses of the action. If the title to the street, road, highway, or alley so closed is not in the United States, the Mayor shall convey title to the land on behalf of the District of Columbia to the Corporation, without cost, except that the Corporation shall reimburse the District of Columbia for the administrative costs of the action: *Provided*, That if the land would have reverted to a private abutting property owner under otherwise applicable law of the District of Columbia, the Corporation shall pay such owner the fair market value of the land that would have reverted to him.

(20) may transfer title to, interests in, or jurisdiction over real property which has been acquired by the Corporation and is to be devoted to public uses under the development plan, to any agency of the United States or the District of Columbia. Agencies of the United States or the District of Columbia may accept such transfers under this paragraph, and shall thereafter administer and maintain the property in accordance with the development plan and the terms of any transfer agreement. The Director of the National Park Service may transfer title to or interest in public reservations, roadways, spaces, or parks under his jurisdiction within the development area to the Corporation to facilitate implementation of the development plan; and, notwithstanding any other provision of law, the Corporation may utilize such transferred property for any public or private development consistent with the plan.

(21) may utilize or employ the services of personnel of any agency or instrumentality of the Federal Government or of the District of Columbia, with the consent of the agency or instrumentality concerned, upon a reimbursable basis, or utilize voluntary or uncompensated personnel;

(22) shall publish and disseminate information and make known to potential users, by advertisement, solicitation, or other means, the availability for development of lands in the development area;

(23) may execute all instruments necessary or appropriate in the exercise of any of its functions under this chapter, and may delegate to members of the Board or the Executive Director such of its powers and responsibilities as it deems appropriate and useful for the administration of the Corporation; and

(24) shall be entitled to the use of the United States mails in the same manner as the executive departments of the Government, and shall have all the rights, privileges, and immunities of the United States with respect to debts due from insolvent, deceased, or bankrupt debtors.

(As amended Pub. L. 95-629, title I, § 101(2), (3), Nov. 10, 1978, 92 Stat. 3635.)

AMENDMENTS

1978—Par. (10). Pub. L. 95-629, § 101(2), substituted "$100,000,000" for "$50,000,000" and substituted provisions relating to the availability of the Corporation's authority to issue obligations without fiscal year limitation for provisions which related to the expiration of the Corporation's authority on June 3, 1980, except for obligations to provide funds necessary for the performance of contracts entered into by the Corporation prior to June 3, 1980.

Pars. (19), (20). Pub. L. 95-629, § 101(3), added pars. (19) and (20). Former pars. (19) and (20) redesignated (21) and (22), respectively.

Pars. (21) to (24). Pub. L. 95-629, § 101(3), redesignated former pars. (19) to (22) as (21) to (24), respectively.

§ 877. Corporation as grantee of property

[*See main edition for text of* (a)]

(b) Services of local redevelopment agency

In the administration of a relocation program or programs pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 [42 U.S.C. 4601 et seq.], the Corporation may utilize the services of the District of Columbia government. Costs of such services shall be reimbursed by the Corporation to the District of Columbia government.

[*See main edition for text of* (c) *and* (d)]

(As amended Pub. L. 95-629, title I, § 101(1)(f), Nov. 10, 1978, 92 Stat. 3635.)

AMENDMENTS

1978—Subsec. (b). Pub. L. 95-629 substituted "District of Columbia government" for "District of Columbia Redevelopment Land Agency" in two places.

§ 881. Civil service retirement and disability fund; contributions

TRANSFER OF FUNCTIONS

All functions vested by statute in the United States Civil Service Commission or the Chairman thereof were transferred to the Director of the Office of Personnel Management (except as otherwise specified) by Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3784, set out under section 1101 of Title 5, Government Organization and Employees, effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

§ 885. Authorization of appropriations; prohibition of appropriations from Land and Water Conservation Fund

(a) In addition to the sums heretofore appropriated, there are authorized to be appropriated for operating and administrative expenses of the Corporation $3,000,000 for the fiscal year ending September 30, 1979; $3,200,000 for the fiscal years ending September 30, 1980, and September 30, 1981; and $3,500,000 for the fiscal years ending September 30, 1982, and September 30, 1983.

(b) To commence implementation of the development plan authorized by section 874 of this title, there are authorized to be appropriated to the Corporation through the fiscal years ending September 30, 1978, $38,800,000, for fiscal year 1979, $15,000,000, for fiscal year 1980, $35,000,000, for fiscal year 1981, $25,000,000, for fiscal year 1982, $30,000,000, and, for fiscal 1983, $35,000,000. For the authorizations made in this subsection, any amounts authorized but not appropriated in any fiscal year shall remain available for appropriation in succeeding years. Any amounts appropriated under this subsection shall remain available without fiscal year limitation. *Provided*, That appropriations made under the authority of this paragraph shall include sufficient funds to assure the development of square 225 as a demonstration area for the development plan, and shall assure the preservation of the structure now located on square 225 known as the Willard Hotel and its historic facade. No appropriations shall be made from the Land and Water Conservation Fund established by the Act of September 30, 1964 (78 Stat. 897, as amended) [16 U.S.C. 460*l*-4 et seq.], to effectuate the purposes of this chapter.

(As amended Pub. L. 95-629, title I, § 101(4), Nov. 10, 1978, 92 Stat. 3636.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-629 substituted provisions authorizing appropriations for operating and administrative expenses of the Corporation for fiscal years ending Sept. 30, 1979, 1980, 1981, 1982 and 1983 for provisions which authorized appropriations for operating and administrative expenses of not to exceed $1,300,000 for the fiscal year ending June 30, 1976, $325,000 for the period July 1 through Sept. 30, 1976, and $1,500,000 each, for the fiscal years ending Sept. 30, 1977 and 1978.

Subsec. (b). Pub. L. 95-629 added provisions authorizing appropriations for fiscal years 1979, 1980, 1981, 1982 and 1983, and substituted provisions directing that any amounts authorized but not appropriated in any fiscal year remain available for appropriation in succeeding years and that amounts appropriated remain available without fiscal year limitation for provisions that appropriations would remain available without fiscal year limitation through Sept. 30, 1990.

TITLE 40—APPENDIX

The legislation in this Appendix is temporary and will terminate on October 1, 1979, pursuant to the provisions of section 405 of this Appendix

APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1965

Pub. L. 89-4, Mar. 9, 1965, 79 Stat. 5, as amended by Pub. L. 89-670, § 8(b), (c), Oct. 15, 1966, 80 Stat. 942, 943; Pub. L. 90-103, title I, §§ 101-114, 116-123, Oct. 11, 1967, 81 Stat. 257-266; Pub. L. 90-448, title II, § 201(f), Aug. 1, 1968, 82 Stat. 502; Pub. L. 91-123, title I, §§ 101-111, Nov. 25, 1969, 83 Stat. 214-216; Pub. L. 91-258, title I, § 52(b)(5), May 21, 1970, 84 Stat. 235; Pub. L. 92-65, title II, §§ 202-214, Aug. 5, 1971, 85 Stat. 168-173; Pub. L. 94-188, title I, §§ 102-122, 124, Dec. 31, 1975, 89 Stat. 1079-1086; Pub. L. 95-193, § 1, Nov. 18, 1977, 91 Stat. 1412; Pub. L. 95-599, title I, § 138(a), (b), Nov. 6, 1978, 92 Stat. 2710

TITLE I—THE APPALACHIAN REGIONAL COMMISSION

§ 106. Administrative powers of Commission

TRANSFER OF FUNCTIONS

All functions vested by statute in the United States Civil Service Commission were transferred to the Director of the Office of Personnel Management (except as otherwise specified) by Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3784, set out under section 1101 of Title 5, Government Organization and Employees, effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

TITLE II—SPECIAL APPALACHIAN PROGRAMS

PART A—NEW PROGRAMS

§ 201. Appalachian development highway system

(a) In order to provide a highway system which, in conjunction with the Interstate System and other Federal-aid highways in the Appalachian region, will open up an area or areas with a developmental potential where commerce and communication have been inhibited by lack of adequate access, the Secretary of Transportation (hereafter in this section referred to as the "Secretary") is authorized to assist in the construction of an Appalachian development highway system and local access roads serving the Appalachian region. The provisions of sections 106(a) and 118 of title 23, United States Code, relating to the obligation, period of availability, and expenditure of Federal-aid highway funds, shall apply to the development highway system and the local access roads, and all other provisions of such title 23 that are applicable to the construction and maintenance of Federal-aid primary and secondary highways and which the Secretary determines are not inconsistent with this Act shall apply, respectively, to such system and roads. Construction on the development highway system shall not exceed three thousand and twenty-five miles. Construction of local access roads shall not exceed one thousand four hundred miles that will serve specific recreational, residential, educational, commercial, industrial, or other like facilities or will facilitate a school consolidation program.

[*See main edition for text of* (b) *to* (e)]

(f) Federal assistance to any construction project under this section shall not exceed 80 per centum of the costs of such project.

[*See main edition for text of* (g) *and* (h)]

(As amended Pub. L. 95-599, title I, § 138(a), (b), Nov. 6, 1978, 92 Stat. 2710.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-599, § 138(b), substituted "three thousand and twenty-five miles" for "two thousand nine hundred miles".

Subsec. (f). Pub. L. 95-599, § 138(a), substituted "80 per centum" for "50 per centum" and struck out provision authorizing the Commissioner to allow assistance over and above the maximum amount.

PAYMENT FOR CONSTRUCTION OF FINAL SECTION OF APPROVED APPALACHIAN DEVELOPMENT CORRIDOR HIGHWAY NECESSARY AS ELEMENT OF FLOOD CONTROL PROJECT

Section 138(c) of Pub. L. 95-599 provided that: "In any case where an Appalachian development highway on the Federal-aid primary system, is the final section of an approved Appalachian development corridor highway within an urbanized area, transects an unincorporated jurisdiction, and is a necessary element of a flood control project for the protection of a commercially zoned area containing not less than seventy commercial and industrial establishments which is authorized under section 205 of the Flood Control Act of 1948 [section 701s of Title 33, Navigation and Navigable Waters], the Secretary of Transportation shall provide to the State highway department so much of the costs, not to exceed $1,800,000, as may be necessary to permit construction of that portion of such development highway as is necessary to permit completion of the flood control project. The Federal share of the total cost of any complete Appalachian development highway a portion of which receives assistance under this subsection [this note] shall not exceed (including all assistance under this subsection) that percentage of such total cost which, but for this subsection, would otherwise be applicable to such development highway."

§ 202. Demonstration health projects

[*See main edition for text of (a) and (b)*]

(c) Grants under this section for operation (including initial operating funds and operating deficits comprising among other items the costs of attracting, training, and retaining qualified personnel) of a demonstration health project, whether or not constructed with funds authorized by this section, may be made for up to 100 per centum of the costs thereof for the two-year period beginning, for each component facility or service assisted under any such operating grant, on the first day that such facility or service is in operation as a part of the project. For the next three years of operations such grants shall not exceed 75 per centum of such costs. The Federal contribution may be provided entirely from funds appropriated to carry out this section or in combination with funds provided under other Federal grant-in-aid programs for the operation of health related facilities and the provisions of health and child development services, including title IV, parts A and B, and title XX of the Social Security Act. Notwithstanding any provision of the Social Security Act requiring assistance or services on a statewide basis, if a State provides assistance or services under such a program in any area of the region approved by the Commission, such State shall be considered as meeting such requirement. Notwithstanding any provision of law limiting the Federal share in such other programs, funds appropriated to carry out this section may be used to increase Federal grants for operating components of a demonstration health project to the maximum percentage cost thereof authorized by this subsection. No grant for operation of a demonstration health project shall be made unless the facility is publicly owned, or owned by a public or private nonprofit organization, and is not operated for profit. No grants for operation of a demonstration health project shall be made after five years following the commencement of the initial grant for operation of the project, except that transitional funding not to exceed 75 per centum of annual operating costs may be approved for not more than two additional years of operations for child development demonstrations if the Commission finds that no Federal, State, or local funds are available to continue such demonstrations. No such grants shall be made unless the Secretary of Health, Education, and Welfare is satisfied that the operation of the project will be conducted under efficient management practices designed to obviate operating deficits. Notwithstanding section 104 of the Public Works and Economic Development Act of 1965 (79 Stat. 554; 42 U.S.C. 3134), a health-related facility constructed under title I of that Act may be a component of a demonstration health project eligible for operating grant assistance under this section.

[*See main edition for text of (d) and (e)*]

(As amended Pub. L. 95-193, § 1, Nov. 18, 1977, 91 Stat. 1412.)

REFERENCES IN TEXT

The Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, as amended, referred to in subsec. (a), is Pub. L. 88-164, Oct. 31, 1963, 77 Stat. 282, as amended, which is classified principally to subchapter III (§ 2689 et seq.) of chapter 33 and chapter 75 (§ 6000 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 6000 of Title 42 and Tables.

AMENDMENTS

1977—Subsec. (c). Pub. L. 95-193 inserted "except that transitional funding not to exceed 75 per centum of annual operating costs may be approved for not more than two additional years of operations for child development demonstrations if the Commission finds that no Federal, State, or local funds are available to continue such demonstrations" following "the initial grant for operation of the project".

STUDY OF CHILD DEVELOPMENT PROGRAMS BEING ASSISTED UNDER APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1965

Section 2 of Pub. L. 95-193 provided that:

"(a) The Appalachian Regional Commission and the Department of Health, Education, and Welfare shall make a full and complete investigation and study of the child development programs being assisted under the Appalachian Regional Development Act of 1965 [this Appendix] to determine the source and nature of any problems in the phasing out of such Federal assistance to such programs and to recommend solutions to these problems, including procedures by which sponsorship of these programs can be turned over to State or private agencies, or both.

"(b) The Appalachian Regional Commission and the Department of Health, Education, and Welfare shall make a report to the Congress of their findings and recommendations under subsection (a) not later than one year after the date of enactment of this Act [Nov. 18, 1977]."

§ 206. Water resource survey

TRANSFER OF FUNCTIONS

The Federal Power Commission was terminated and its functions, personnel, property, funds, etc., were transferred to the Secretary of Energy (except for certain functions which were transferred to the Federal Energy Regulatory Commission) by sections 7151(b), 7171(a), 7172(a), 7291, and 7293 of Title 42, The Public Health and Welfare.

TITLE III—ADMINISTRATION

§ 302. Administrative expenses and research and demonstration projects

TRANSFER OF FUNCTIONS

The Federal Energy Administration was terminated and functions vested by law in the Administrator thereof were transferred to the Secretary of Energy (unless otherwise specifically provided) by sections 7151(a) and 7293 of Title 42, The Public Health and Welfare.

The Energy Research and Development Administration was terminated and functions vested by law in the Administrator thereof were transferred to the Secretary of Energy (unless otherwise specifically provided) by sections 7151(a) and 7293 of Title 42, The Public Health and Welfare.

§ 202. Demonstration health projects

(See main edition for text of (a) and (b))

(c) Grants under this section for operation (including initial operating funds and working deficits comprising among other items the costs of attracting and training professional and paraprofessional) of a demonstration health project, whether or not constructed with funds authorized by this section, may be made only for a period not to exceed three years. The Federal contribution may be provided entirely from funds appropriated to carry out this section, or in combination with funds provided under other Federal grant-in-aid programs for the operation of health related facilities and the provision of health and child development services, including title IV, parts A and B, and title XX of the Social Security Act, Economic Opportunity Act of 1964, Community Mental Health Centers Act of 1963, Vocational Rehabilitation Act, Hill-Burton Act, and the Social Security Act. Grants under this section may be made for the operation of a demonstration health project only if the State in which the project is to be located has in effect a certificate of need program meeting the requirements of section 1122 of the Social Security Act, and only if the project is approved under such program. Grants for the operation of a demonstration health project may be made only if the project is consistent with the State plan for health facilities and services approved under section 1524 of the Public Health Service Act, and only if the project is consistent with the State plan for comprehensive health planning approved under section 314(a) of the Public Health Service Act. Grants for the operation of a demonstration health project may be made only if the project is consistent with the State plan for the provision of services for crippled children approved under section 505 of the Social Security Act, and only if the project is consistent with the State plan for the provision of vocational rehabilitation services approved under the Vocational Rehabilitation Act. Grants for the operation of a demonstration health project may be made only if the project is consistent with the State plan for the provision of services for mentally retarded persons approved under section 1902(a)(23) of the Social Security Act. Grants for the operation of a demonstration health project may be made only if the project is consistent with the State plan for the provision of medical assistance approved under title XIX of the Social Security Act. Grants for the operation of a demonstration health project may be made only if the project is consistent with the State plan for the provision of services for children approved under section 1902(a)(23)